

## REMARKS

Claims 20, 21, 53, 65 and 71 have been amended to correct a typographical error. No claims have been added or cancelled. Claims 1-71 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### Section 102(e) Rejection:

The Office Action rejected claims 1-11, 14, 17, 22-32, 35, 38, 41-49, 52, 54-64 and 64 under 35 U.S.C. § 102(e) as being anticipated by Teodosiu et al. (U.S. Publication 2002/0062375) (hereinafter “Teodosiu”). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding claim 1, contrary to the Examiner’s assertion, Teodosiu fails to disclose a resolver node, wherein the resolver node receives a query message from one of the plurality of peer nodes, determines a particular instance of the resource on a particular one of the one or more peer nodes, and forwards the query message to the determined resource instance. Instead, Teodosiu discloses a Resource Naming Service (RNS) server that receives a request for a resource from a peer, attempts to determine a location or locations for the resource and, if a location or locations are found, returns the location(s) to the requesting peer, which then is responsible for accessing the resource at (one of the) returned location(s). This is clearly disclosed in Teodosiu for FIG. 1 in paragraphs [0036] and [0037]:

[0036] In general, [a peer] accessing a resource is a two step process. First, the resource must be located using the locator service. Second, the resource is actually accessed at the location or set of locations returned by the locator service.

[0037] For a peer 140 within realm 150, the first step in accessing a peer resource involves communicating with the peer’s assigned home RNS server 130. The home RNS server 130, possibly in cooperation with registrar 110 and another RNS server 130, determines one or more locations within realm 150 where the resource is expected to be available. In one embodiment, the set of locations returned by the home RNS server

130 to the requesting peer 140 may depend on the current network identity (in particular, the current IP address or IP addresses) of peer 140, on the current traffic load on the realm, as well as on other parameters that are known to the RNS servers 130. It is up to the peer 140 to take the second step to actually access the resource at the provided location(s).

Specifically, Teodosiu does not teach that the RNS server forwards the query message to the determined resource instance. Instead, Teodosiu teaches that the RNS returns location(s) for a requested resource to the requesting peer, which is then responsible for accessing the resource at the provided location(s).

Applicants note that the Examiner cites FIG. 4, ref. 440 and paragraph [0081] in regards to the limitation in claim 1 forward the query message to the determined resource instance. Note that in paragraph [0079], ref. 440 of FIG. 4 is described:

[0079] If the locator service is known, the request is directed in 440 as resource locator traffic 310 to the home RNS server 130 to which the peer 140 has been homed during the registration process, as described earlier. The home RNS server 130 then follows the steps earlier described in FIG. 2 to locate content published under its realm, or to contact the remote locator service to locate a remote peer resource.

Thus, ref. 440 of FIG. 4 indicates that the request is directed to the home RNS server, and does not indicate that the request is forwarded to the determined resource instance. Further, it is only after the RNS server receives the request that the requested resource is located by the RNS server. In paragraph [0081], the peer (platform 370) waits...for a response from its home RNS server. If one or more locations are received, platform 370 selects one or more locations to try in 460. The request is then forwarded as peer-to-peer traffic 320 directly to the selected location or locations in 425. In other words, it is only after the peer receives one or more locations from the RNS server that the peer forwards the request to a selected location or locations from among the location(s) returned by the RNS server. Thus, in FIG. 4, ref. 440 and paragraph [0081], Teodosiu does not teach that the RNS server forwards the query message to the determined resource instance. In fact, nowhere does Teodosiu describe a resolver node that forwards a query message to a determined resource instance.

Thus, for at least the reasons presented above, the rejection of claim 1 is not supported by the cited prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 22, 41, 54, and 66.

Regarding claim 2, contrary to the Examiner's assertion, Teodosiu fails to disclose a determined resource instance configured to send a response message in response to the query message to the peer node...sending the query message. Examiner cites Teodosiu paragraph [0081]. Note that paragraph [0081], as previously mentioned, describes that the peer (platform 370) waits...for a response from its home RNS server. If one or more locations are received, platform 370 selects one or more locations to try in 460. The request is then forwarded as peer-to-peer traffic 320 directly to the selected location or locations in 425. In other words, paragraph [0081] is describing the peer forwarding the request to the location (which was returned to the peer by the RNS server) of a resource, and does not describe a resource instance sending a response message to the peer.

Thus, for at least the reasons presented above, the rejection of claim 2 is not supported by the cited prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 23, 42, 55, and 67.

Regarding claim 4, contrary to the Examiner's assertion, Teodosiu fails to disclose a resource (configured to) implement one or more resource handlers wherein each of the one or more resource handlers is operable to receive the query message and generate a response message in response to the query message; (and wherein the resource is further configured to) register the one or more resource handlers with the resolver node. The examiner cites paragraph [0031], and indicates that, in that paragraph, Teodosiu teaches wherein the handlers are handling the resource peer location lookup where each peer in the realm contains a unique identifier. Note that the resource handlers described in the cited claims and elsewhere in the application do not handle resource peer location lookup; that task is performed by the resolver node, with which the resource

handlers are registered. Instead, the resource handlers are configured to receive query messages for associated resources and generate response messages to the received query messages. In addition, the Examiner indicates that, in paragraph [0031], Teodosiu teaches that the resource is configured to register the one or more resource handlers with the resolver node. In paragraph [0031], Teodosiu teaches that peers register with a registrar, in the process of which each peer is assigned a unique identifier and is registered with a RNS server. Nowhere does Teodosiu teach that resources are configured to register resource handlers for the resources with a resolver node.

Thus, for at least the reasons presented above, the rejection of claim 4 is not supported by the cited prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 25, 43, 56, and 68.

Regarding claim 10, contrary to the Examiner's assertion, Teodosiu fails to disclose wherein the resolver node is a peer node of the plurality of peer nodes. Teodosiu discloses a RNS server that is configured to locate resources for peers and to return the location(s) of the resources to the peers, and nowhere teaches that the RNS server(s) is a peer node, or that a peer node serves as a "resolver node". This is clearly disclosed in Teodosiu in FIG. 1, and in paragraph [0030] describing FIG. 1:

FIG. 1 illustrates one embodiment of the inventive peer-to-peer network. In the illustrated embodiment, peer-to-peer realm 150 (hereafter simply called "realm") includes registrar 110, gate server 120, a number of RNS servers 130, and a number of peers 140. Peers 140 store, or otherwise make available, peer resources (not shown). Registrar 110, RNS servers 130, and gate server 120 together provide a locator and access service for tracking, locating, and accessing the peer resources published in the realm.

The Examiner cites FIG. 3, and states wherein the components in the P2P platform not only serves peers with location findings and but also request peers for resources. Note first that FIG. 3 illustrates a peer 140 from FIG. 1, and not an RNS server 130, as is clearly indicated in paragraph [0070]: FIG. 3 illustrates one embodiment of a peer 140 from FIG. 1 in more detail. As previously described, it is the RNS server 130 that performs resource locations, and not any of peers 140. Further, in describing

FIG. 3, in paragraph [0072], Teodosiu teaches that peer platform 370 includes resource locator interface 330 to interface directly with locator services. Teodosiu does not teach that peer platform 370 serves peers with location findings. Instead, Teodosiu teaches that peer platform 370 includes a resource locator interface that interfaces with locator services; the locator services (i.e., RNS server(s), which are not peers) are responsible for locating resources.

Thus, for at least the reasons presented above, the rejection of claim 10 is not supported by the cited prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claim 31.

**Applicants further note that the rejection is improper because the Examiner has not shown that Teodosiu qualifies as a prior art reference.** More specifically, Teodosiu is a published U.S. patent application that was filed on Sep. 13, 2001, after Applicants' priority date of Jan. 22, 2001. Teodosiu does claim the benefit of two provisional applications both filed Nov. 22, 2000. However, the Nov. 22, 2000 filing date can only be used as Teodosiu's 35 U.S.C. § 102(e) prior art date for the subject matter that is common to both the published application and the provisional application. Since it is common practice for a later filed utility application to include more or different subject matter than its earlier provisional application, it is unclear whether the material in Teodosiu relied upon by the Examiner was actually present in Teodosiu's provisional application. In fact, examination of Teodosiu's two provisional applications shows that they vary greatly from Teodosiu's published utility application. It is not apparent that the subject matter on which the Examiner is relying on to reject Applicants' claims is also present in one of Teodosiu's provisional applications. Unless the Examiner can make this showing, the rejection is improper. *See, In re Wertheim*, 209 USPQ 554 (CCPA 1981).

Moreover, Teodosiu's published application is not entitled to the Nov. 22, 2000 date as a section 102(e) prior art date unless at least one claim of Teodosiu's published application is supported (under 35 U.S.C. § 112) in the provisional application. Under 35

U.S.C. 119(e)(1), a published utility application is not entitled to its provisional application's filing date as a prior art date unless at least one claim of the published utility application is supported (per 35 U.S.C. § 112) in the provisional application. The rejection is improper unless the Examiner can show that Teodosiu's published application has the necessary claim support in the provisional application to be entitled to the provisional application's filing date as its § 102(e) prior art date. *See also* M.P.E.P. § 2136.03(IV).

The Examiner has the burden of proof to produce the factual basis for the rejection. *In re Warner*, 154 USPQ 173, 177 (C.C.P.A. 1967), *cert. denied*, 389 U.S. 1057 (1968). Since the Examiner has not proven that both of the above requirements have been met for Teodosiu's teachings to qualify as prior art, the Examiner has not met this burden of proof and the rejection is improper.

#### **Section 103(a) Rejection:**

The Office Action rejected claims 12, 15, 33 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Teodosiu in view of Gilmour et al. (U.S. Publication 2004/0068477) (hereinafter "Gilmour"), claims 13, 16, 34 and 37 as being unpatentable over Teodosiu in view of London (U.S. Patent 6,061,734), claims 18, 19, 39, 40, 50, 51, 62, 63, 69 and 70 as being unpatentable over Teodosiu in view of Jindal et al. (U.S. Patent 6,324,580) (hereinafter "Jindal"), and claims 20, 21, 53, 65 and 71 as being unpatentable over Teodosiu in view of Bhagwat et al. (U.S. Patent 5,941,988) (hereinafter "Bhagwat"). Applicants respectfully traverse these rejections for at least the reasons presented above regarding the independent claims. Accordingly, removal of the 35 U.S.C. § 103(a) rejections is respectfully requested.

In regard to the rejections under both § 102(e) and § 103(a), Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

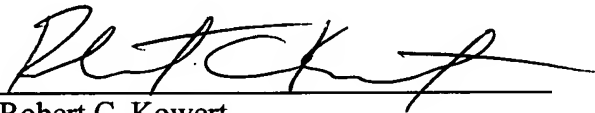
Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-07300/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (        ).
- ☐ Other:

Respectfully submitted,



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